IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO: 17210 of 2004

Between:
1 Nidikonda Sreenu, S/o Late Ramdasu,
R/o Tammarabandapalem Village, Kodad Mandal, Nalgonda District
2 Nidikonda Ramakrishna, S/o Late Ramdasu,
R/o Tammarabandapalem Village, Kodad Mandal, Nalgonda District
3 Nidikonda Kanakaiah, S/o Late Ramdasu,
R/o Tammarabandapalem Village, Kodad Mandal, Nalgonda District

... PETITIONERS

AND

1 The District Collector, Nalgonda, Nalgonda District
2 The Mandal Revenue Officer, Kodad Mandal, Nalgonda District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ, Order or Direction more particularly one in the nature of Writ of Mandamus, to declare the impugned Notice issued by the 2nd respondent bearing No.C/8493/2002 dated 16-8-2004 as illegal, arbitrary, and contrary to the provisions of A.P.Land Encroachment Act, 1905 and besides violative of Articles 16 and 21 of the Constitution of India and consequently set aside the same and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.VOOSA RAGHU

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following:

ORDER:

Against the final orders passed under Section 6 of the Land Encroachment Act 1905 (for short 'the Act'), an appeal lies to the appellate authority. In view of the same, petitioner can very well approach the appellate authority and obtain necessary interim orders.

2. I see no grounds to entertain the present Writ Petition for the reason that it is filed without exhausting the alternative remedy available.

The Writ Petition is accordingly dismissed. No costs.

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A. GOPAL REDDY, J

September 24, 2004
MRR

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To:

1 The District Collector, Nalgonda, Nalgonda District
2 The Mandal Revenue Officer, Kodad Mandal, Nalgonda District
3 Two C.C.s to the G.P for Revenue, High Court Buildings, Hyderabad (OUT).
4 Two C.D. Copies.